

**PROJECTS FOR ASSISTANCE  
IN TRANSITION FROM HOMELESSNESS**

**TECHNICAL ASSISTANCE RESOURCE PAGE  
HOUSING ACQUISITION AND RETENTION**



**PATH**

Projects for Assistance in  
Transition from Homelessness

## Acknowledgments

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## Disclaimer

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# INTRODUCTION



**H**omelessness, by definition, is a lack of housing. Housing acquisition and retention are critical to preventing and ending homelessness. The more knowledgeable we become about applying for housing, negotiating tenancy and developing community awareness, the more likely it is that we will end homelessness.

- Would knowing the laws help people move into housing?
- Would knowing the laws help people retain housing?
- Would knowing the laws help people avoid eviction?

The answer is “Yes” to each of these questions. Affordable, safe, and decent housing for individuals with limited income is scarce. Locating these resources is a daunting task even without the stereotypes and generalizations that result in discrimination against people experiencing homelessness and mental illness.

We have created this housing acquisition and retention web page to:

- answer your housing questions;
- provide a site where successful housing practices can be shared; and
- direct you to individuals, agencies, publications, regulations and laws that address housing acquisition and retention.

The Fair Housing Law of 1988 protects people with mental and physical disabilities. It protects those who associate with persons with disabilities and it even protects those who are *regarded* as having disabilities whether they are actually disabled or not. This law, like all civil rights laws, makes it illegal to treat people with disabilities differently if the treatment results in worse housing or an outright denial of housing by refusing to rent to an individual.

The Fair Housing Law and the other disability rights laws, like the Americans with Disabilities Act, actually require more than other civil rights laws. If a landlord refuses to rent to a biracial couple, for example, the law will punish that landlord.

If the same landlord refuses to rent to an applicant with a disability who has an emotional support animal because his housing is “pet free,” the law requires the landlord to rent to the disabled applicant AND to waive the “no pet rule” for the applicant.

The disability rights laws both prohibit discrimination and require changes in housing policies and practices. In many cases, the law also requires structural modifications if an individual’s inability to rent a particular apartment can be remedied with nails, hammers and paint. No other civil rights law goes so far.

Common policies and rules sometimes result in excluding people with disabilities. Consider the following:

- Has a shelter refused admission to someone based on their mental illness?
- Has a housing provider locked a resident out of his or her room without notifying him or her first and discussing the reasons for the eviction?
- Has a housing provider informed someone that adopting a relative’s disabled child means that he or she and the child have to move?
- Are zoning regulations in your community preventing the development of housing units for people with disabilities?
- Do you know someone who faces eviction because he or she has difficulties paying their rent on time due to memory problems, mobility issues, or the date that their monthly income arrives?
- Are you aware of people who are told they are not able to return to their housing after a medical or psychiatric hospitalization?

Each of these situations might be remedied by the application of fair housing principles. Many housing challenges can be addressed through the application of “reasonable accommodations”. Each might be resolved quickly, relatively easily, and at little cost. Our goal is to help you gain a better understanding of how you can make the laws work for you in your quest to assure better access to housing in your community.

## Important Websites

- **Bazelon Center for Mental Health Law - Fair Housing**

This website provides links to several information sheets created by the Bazelon Center related to applications and interpretations of laws that protect people in their pursuit for housing. Topics include using reasonable accommodations to eliminate financial barriers in applications and for the tenant posing a “direct threat” to others, the illegality of “independent living” requirements in rental housing, and increasing the usability of housing choice vouchers.

Direct Link: <http://www.bazelon.org/issues/housing/index.htm>

- **Fairhousinglaw.org**

This website provides practical information about housing discrimination, the federal laws, and housing enforcement agencies and laws by state.

Direct Link: <http://www.fairhousinglaw.org>

- **National Alliance to End Homelessness - Permanent Housing Solutions for Homeless Veterans**

This is a web link to an audio conference on the HUD-VA Supportive Housing Program. Under the program, homeless veterans receive rental assistance through HUD’s Section 8 voucher program, support services, case management, and health care. The program has proven extremely effective at helping the most severely disabled homeless veterans get off the streets and into stable housing where recovery can begin in earnest.

Direct Link: <http://www.naeh.org/content/general/detail/1800>

- **National Fair Housing Advocate Online**

This website provides links to the text of the fair housing act and other relevant legislation. By selecting “get help near you” you can search for fair housing resources in your city.

Direct Link: <http://www.fairhousing.com>

- **Sargent Shriver National Center on Poverty Law Library**

The law library hosts an organized and indexed collection of case law decisions. The areas of disability, housing, and homelessness are indexed by sub-topic.

Direct Link: <http://www.povertylaw.org/poverty-law-library>

- **U.S. Department of Housing and Urban Development - Fair Housing Laws and Presidential Executive Orders**

This website hosts a collection of links to laws and executive orders that impact access to and retention of housing. Civil rights and disability laws are also included along with federal housing laws. This is a primary resource for education on the federal laws that impact housing and disability.

Direct Link: <http://www.hud.gov/offices/fheo/FHLaws/index.cfm>

- **U.S. Department of Housing and Urban Development - Housing Discrimination Complaints**

This is the link to the forms and directions for filing housing discrimination complaints with HUD.

Direct Link: <http://www.hud.gov/complaints/housediscrim.cfm>

- **U.S. Department of Justice - Civil Rights Division - Housing and Civil Enforcement Section**

This website provides links to decisions and cases related to housing rights. It includes a section that provides information on cases litigated based on disability. In this section, there are several cases where mental health was involved in the complaint.

Direct Link: <http://www.usdoj.gov/crt/housing/hcehome.html>

Direct Link to Cases Litigated Based on Disability:

<http://www.usdoj.gov/crt/housing/fairhousing/caseslist.htm#disabil>

- **Virginia Office for Protection and Advocacy – Housing Resource Center**

This area on the Virginia Office for Protection and Advocacy's website is designed to answer, in plain language, questions that commonly arise for persons with disabilities related to fair housing laws. Sample presentations and consumer self-advocacy tools are included. Two resources of particular interest are: "Fair Housing: It's Not an Option; it's the Law" Frequently asked Questions and Fair Housing Video. The website was designed for consumers and advocates in Virginia, but the majority of the information is applicable to others.

Direct Link: <http://www.vopa.virginia.gov/HUD/Housing%20Resource%20Center.htm>

Direct Link to Fair Housing: It's Not an Option, It's the Law:

<http://www.vopa.virginia.gov/HUD/FAQs%20Final%2003-07.pdf>

Direct Link to Fair Housing Video:

<http://www.vopa.virginia.gov/HUD/HUD%20New%20Final.wmv>

## Other Resources

- **Allen, M. (1996, November). *Separate and unequal: The struggle of tenants with mental illness to maintain housing*. Clearinghouse Review. Chicago, IL: National Clearinghouse for Legal Services, Inc.**  
This article assesses the law related to securing full tenancy rights for individuals with mental illnesses. Information on rights and protections is included.  
Direct Link: <http://www.bazelon.org/issues/housing/moreresources/articles/SeparateandUnequal.pdf>  
Homeless Resource Center Record: <http://homeless.samhsa.gov/Resource.aspx?id=24495>
- **Corporation for Supportive Housing. (2001). *Between the lines: A question and answer guide on legal issues in supportive housing - National edition*. New York, NY: Author.**  
This comprehensive manual offers basic information about the laws that pertain to supportive housing and sets out ways to identify and think through issues in order to make better use of professional legal counsel. Reasonable approaches to resolve common dilemmas are provided.  
Direct Link: <http://www.csh.org/index.cfm/?fuseaction=Page.viewPage&pageID=3248>  
Homeless Resource Center Record: <http://homeless.samhsa.gov/Resource.aspx?id=18576>
- **Korman, H. (2006, November). *Best practice principles for achieving civil rights in permanent supportive housing*. Opening Doors, 29. Boston, MA: Technical Assistance Collaborative, Inc.**  
In this issue of *Opening Doors*, permanent supportive housing is highlighted as an important option for some people with disabilities. The author explores the difficulties in coordinating the categorical approach to providing services with the housing system's general prohibition on category-specific tenant selection practices. Best practice principles are presented and discussed to achieve a vision of supportive housing that comes closer to an ideal. The ideal being permanent affordable, integrated, community-based housing where the right to occupy the housing unit is based on standard landlord-tenant laws, and in which flexible, on-demand supportive services are available and controlled by the tenant.  
Direct Link: <http://www.tacinc.org/Docs/HH/OpeningDoors/HTML/OD29.htm>

Homeless Resource Center Record: <http://homeless.samhsa.gov/Resource.aspx?id=32885>

- **National Alliance to End Homelessness. (2007, September). *Affordable housing shortage fact checker: Accurate statistics on homelessness*. Washington, DC: Author.**  
This is a fact sheet with information about the rising housing costs and the barriers faced to accessing housing support.

Direct Link: <http://www.naeh.org/content/article/detail/1658>

Homeless Resource Center Record: <http://homeless.samhsa.gov/Resource.aspx?id=32886>

- **U.S. Department of Housing and Urban Development. (2002, April). *Delivering on the promise: Self-evaluation to promote community living for people with disabilities*. New Freedom Commission Report to the President on Executive Order 13217. Washington, DC: Author.**

This is a New Freedom Commission report that reviews barriers, solutions, and efforts to promote community integrated housing options for individuals with disabilities. Federal housing programs are described.

Direct Link: <http://www.hhs.gov/newfreedom/final/hud.html>

Homeless Resource Center Record:

<http://http://www.homeless.samhsa.gov/Resource.aspx?id=32983>

- **U.S. Department of Justice & U.S. Department of Housing and Urban Development (May 14, 2004). *Joint statement: Reasonable accommodations under the Fair Housing Act*. Washington, DC: Author.**

This document is commonly used in housing education on reasonable accommodations. It provides answers to common questions and case examples.

Direct Link: <http://www.hud.gov/offices/fheo/library/huddojstatement.pdf>

Homeless Resource Center Record: <http://homeless.samhsa.gov/Resource.aspx?id=32984>



# HOUSING FOR PEOPLE WITH DISABILITIES



## Important Websites

- **U.S. Department of Housing and Urban Development - Disability Rights and Resources**

This website provides answers to frequently asked questions on the housing rights of people with disabilities and the responsibilities of housing providers under federal law.

Direct Link: <http://www.hud.gov/offices/fheo/disabilities/index.cfm>

- **Disabilityinfo.gov - State and Local Housing Resources**

This website allows you to search for state and local housing resources in your area.

Direct Link: <http://www.disabilityinfo.gov/digov-public/public/FindSL.do?categoryId=113>

## Other Resources

- **Allen, M. (2003). Waking Rip Van Winkle: Why developments in the last 20 years should teach the mental health system not to use housing as a tool of coercion. Originally published in: *Behavioral Sciences and the Law*, 21, 503-521.**  
This article reviews an argument for a housing first model that does not require treatment in order to obtain housing and provides arguments for housing free of coercion. This article is currently available for free on the Bazelon website.  
Direct Link: <http://www.bazelon.org/issues/housing/moresources/articles/wakingrip.pdf>  
Homeless Resource Center Record: <http://homeless.samhsa.gov/Resource.aspx?id=25584>
- **Bazelon Center for Mental Health Law. (June 2006). *What “Fair Housing” means for people with disabilities*. Washington, DC: Author.**  
This booklet is written for people with disabilities who want to rent a home—an apartment or house or condominium or co-op—whether privately or publicly owned or operated. (The concepts discussed here also apply to the sale and purchase of housing.) Others who may find the information useful include landlords, housing developers and administrators, real estate agents, and advocates for people with disabilities. It is updated periodically. There is a cost to purchase the 2006 edition, but the 2003 edition can be downloaded for free.  
Direct Link: <http://www.bazelon.org/publications/housing/index.html>  
Homeless Resource Center Record: <http://homeless.samhsa.gov/Resource.aspx?id=32888>
- **Miller, E., Milstein, B., & O’Hara, A. (2000, December). *The Olmstead decision and housing: Opportunity knocks*. Opening Doors, 12. Boston, MA: Technical Assistance Collaborative, Inc.**  
In this issue of Opening Doors, the Olmstead decision and its implications are clearly outlined.  
Direct Link: <http://www.tacinc.org/Docs/HH/OpeningDoors/ODIssue12.pdf>  
Homeless Resource Center Record: <http://homeless.samhsa.gov/Resource.aspx?id=20219>
- **Substance Abuse and Mental Health Services Administration, Center for Mental Health Services. (2006). *Transforming housing for people with psychiatric disabilities report*. HHS Publication Number 4173. Rockville, MD: Author.**  
This report discusses the impact of short-term quality improvement measures in the use of board and care homes. It also calls for a fresh approach to providing housing for people with psychiatric disabilities—a recovery-oriented approach that revolves around the principles of consumer self-direction and community integration.  
Direct Link: <http://mentalhealth.samhsa.gov/publications/allpubs/sma06-4173>  
Homeless Resource Center Record: <http://homeless.samhsa.gov/Resource.aspx?id=26166>

# HOUSING FOR SENIORS



## Important Websites

- **Administration on Aging – Housing**  
This website provides links to multiple resources to assist seniors in living in their housing type of preference and reviews housing and care options.  
Direct Link: <http://www.aoa.gov/eldfam/Housing/Housing.aspx>
- **Bazelon Center for Mental Health Law – Elders with Mental Illness**  
This page contains an overview of community integration for seniors with mental illness. Several links to articles and publications are available on this site.  
Direct Link: <http://www.bazelon.org/issues/elders>
- **National Association of Area Agencies on Aging**  
This website provides a collection of comprehensive resources on aging.  
Direct Link: <http://www.n4a.org>



- **Senior Outlook - Glossary of Senior Housing Terms**  
This website provides a glossary of terms that apply to the range of housing options commonly available to seniors.  
Direct Link: <http://www.senioroutlook.com/glossary.asp>
- **U.S. Department of Health and Human Resources – Eldercare Locator**  
Comprehensive resources and links to reports and programs.  
Direct Link: <http://www.eldercare.gov/Eldercare/Public/Home.asp>

## Other Resources

- **Allen, M. & Silverstein, S. (2003, October). *Preserving elders' housing rights*. Originally published in TRIAL. Available online by Bazelon Center for Mental Health Law. Washington, DC: Association of Trial Lawyers of America.**  
This fact sheet covers information on legal protection for elders, the framework of how the fair housing laws affect the elderly, and the enforcement of fair housing law.  
Direct Link: <http://www.bazelon.org/issues/housing/moresources/articles/10-03trial.htm>  
Homeless Resource Center Record: <http://homeless.samhsa.gov/Resource.aspx?id=32889>
- **John Marshall Law School Fair Housing Legal Support Center. (2006). *Fair Housing rights of seniors with disabilities: What seniors and their families need to know*. Chicago, IL: Author**  
This handbook reviews applications of fair housing law in relation to seniors with disabilities and issues related to independent living and aging.  
Direct Link: <http://jmls.edu/fairhousingcenter/resources/FHRts-SR-Hndbk2.pdf>  
Homeless Resource Center Record: <http://homeless.samhsa.gov/Resource.aspx?id=32988>
- **Robinson, H. (n.d.) *Housing Options for Older Adults: A guide to making housing decisions*. Washington, DC: National Association of Area Agencies on Aging.**  
One of the most important decisions older adults make is their choice of housing. Their future contentment, comfort and even safety may depend on careful consideration of all the housing options available to them. Fortunately, an array of housing options and living arrangements can meet the needs of those who are aging. Understanding what the options are and the needs they fill is the first step in making a wise choice. This booklet provides an overview of the many housing options now available, the personal decisions to consider, and legal issues to understand about each option.  
Direct Link: [http://www.eldercare.gov/Eldercare/Public/resources/fact\\_sheets/pdfs/Housing\\_Options\\_Booklet.pdf](http://www.eldercare.gov/Eldercare/Public/resources/fact_sheets/pdfs/Housing_Options_Booklet.pdf)  
Homeless Resource Center Record: <http://homeless.samhsa.gov/Resource.aspx?id=32989>



**We will continue to build on this resource page and welcome your input!**

Contact the PATH TA Center at [path@samhsa.hhs.gov](mailto:path@samhsa.hhs.gov) (with “PATH Housing Resources” in the subject line) to comment, submit a question, contribute a tool, or suggest materials to be added.

## WHAT IS PATH?

The PATH Program—or Projects for Assistance in Transition from Homelessness—was authorized by the Stewart B. McKinney Homeless Assistance Amendments Act of 1990. PATH funds community-based outreach, mental health and substance abuse services, case management, and limited housing services for people experiencing serious mental illnesses—including those with co-occurring substance use disorders—who are experiencing homelessness or are at risk of becoming homeless.

### **PATH funds stimulate state & local contributions**

PATH funds are worth more than their face value because they are matched with state and local resources. For every \$3 in federal funds, state or local agencies must put forward \$1 in cash or in-kind services. At a minimum, a \$52 million Federal allocation would result in a \$17 million match. In some states PATH funds and the state and local match are the only resources specifically for serving people experiencing homelessness and mental illnesses.



### **PATH providers deliver innovative services**

PATH providers work with service delivery systems and embrace practices that work. These include:

- Partnering with housing first and permanent supportive housing programs
- Providing flexible consumer-directed and recovery-oriented services to meet consumers where they are in their recovery
- Employing consumers or providing consumer-run programs
- Partnering with health care providers, including Health Care for the Homeless to integrate mental health and medical services
- Assertively improving access to employment
- Improving access to benefits, especially through SSI/SSDI Outreach, Advocacy, and Recovery (SOAR)
- Using technology such as PDAs, electronic records, and HMIS

### **PATH providers are strong community partners**

PATH providers and State Contacts are involved in local and regional planning efforts to end homelessness, including Continuum of Care, 10-Year Plans to End Homelessness, and other planning efforts. PATH providers and State Contacts work to ensure that services are coordinated and available to people experiencing homelessness.

For more information about PATH, please visit <http://pathprogram.samhsa.gov>



# PATH

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